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Chairman:	Mr. TSHERING	(Bhutan)
later:	Mrs. ÁLVAREZ (Vice-Chairman)	(Dominican Republic)
later:	Mr. TSHERING (Chairman)	(Bhutan)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 110: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued) (A/50/163, A/50/215-S/1995/475, A/50/456, A/50/537, A/50/672)

AGENDA ITEM 111: PROMOTION OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE (continued) (A/50/511, A/50/565)

1. Mr. ALAIDEROOS (Yemen), speaking on agenda item 110, said that Yemen had always accorded high priority to children. It had created a national council responsible for child welfare and ensuring that the requisite services were available to them, especially in the fields of health and education. It had also ratified the Convention on the Rights of the Child and was currently studying ways of implementing it more effectively. The deterioration of its economic and social situation as a result of the Gulf War presented Yemen with many serious problems, but the country was determined to do everything in its power to continue its work with children. His delegation wished to express its gratitude to the international organizations that were assisting Yemen in the economic and social fields, and especially the United Nations Children's Fund (UNICEF), which had long been active in the country, having conducted a successful child immunization campaign there in 1990.

2. Mrs. VARGAS (Nicaragua), speaking on agenda item 111, said that land was a key issue for all indigenous peoples, inasmuch as it constituted a vital aspect of their universe and provided them with their means of subsistence. Accordingly, her delegation would have preferred that the draft programme of activities for the International Decade of the World's Indigenous People, set out in document A/50/511, had clearly recognized the historical rights of indigenous peoples and sought to increase the assistance given to them to develop their land. It was nevertheless convinced that the Working Group on Indigenous Populations, which was to meet shortly in Geneva, would take those considerations into account when drafting the political declaration that would accompany the programme.

3. Her delegation was pleased that the draft programme of activities for the International Decade of the World's Indigenous People encouraged Member States to undertake constitutional reforms and to adopt new legislation to defend the territorial, economic, social, cultural, political and civil rights of indigenous peoples. In 1995, Nicaragua had undertaken a reform of its constitution whereby the existence of indigenous peoples was recognized and those peoples were accorded rights and duties, pertaining in particular to the preservation and development of their cultural identity. Nicaragua had also granted the regions along its Atlantic coast autonomous status. That status, which recognized the right of the ethnic groups living there to own communal land and allowed them to have self-administration and to pass legislation relating to taxes and natural resources, strengthened their sense of identity.

4. Regarding the achievement of the objectives set in paragraph 13 of General Assembly resolution 49/214, reflected in document A/50/565, her delegation appreciated the efforts of the United Nations Educational, Scientific and

Cultural Organization (UNESCO) to promote and support activities for indigenous people conducted by the specialized agencies of the United Nations system. The Government of Nicaragua, which had ratified the act establishing the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean in May 1995, was also grateful to UNESCO for its cooperation with the Fund and wished to thank the World Bank for helping the Regional Bureau for Latin America and the Caribbean, in collaboration with the Fund, to organize training courses for representatives of Latin American indigenous organizations.

5. Returning to the declaration to be drafted by the Working Group on Indigenous Populations, she said that the text must recognize the historical rights of indigenous peoples so as to enable them to take part in decision-making and participate concretely in the definition and the realization of major national and international objectives. It must acknowledge the need to give indigenous peoples a legal status that would guarantee the conditions for their survival and autonomy and must recognize that indigenous people had been the victims of grave injustices and should in the future be able to enjoy a different socio-economic status and thus be able to live under better conditions.

6. Over the previous 20 years, indigenous organizations in Latin America had witnessed a great revival. The many congresses, declarations and activities that had accompanied that revival had shown that the populations they represented basically had the same demands: all wanted the right to use their land and their resources, to develop economically in accordance with their interests and their culture, to be governed by their traditional authorities and to speak their own language.

7. Mr. FERNÁNDEZ (Spain), speaking on agenda item 110 on behalf of the European Union and Bulgaria, Cyprus, the Czech Republic, Hungary, Lithuania, Romania and Slovakia, said that the adoption of the Convention on the Rights of the Child and its rapid and near-universal ratification could not hide the fact that many of those rights were still continually violated throughout the world. The European Union felt that the international community should make it a priority to remedy that unacceptable situation systematically and concretely, and it was for that reason that, together with the other countries he had just mentioned, it called upon the Committee on the Rights of the Child to continue its work of monitoring the implementation of the Convention and upon all Member States to cooperate fully with the Committee to that end. Similarly, concerned that the States parties to the Convention continued to make new reservations to some of its articles, it urged all States that had not done so to withdraw all such reservations that were contrary to the object and aims of the Convention or to the provisions of international law.

8. With regard to the girl child, who very often became a target of discrimination from the first hours of her life, he said that he was pleased that the Fourth World Conference on Women had devoted special attention to those children, and he urged all Governments to implement more vigorously the recommendations of the World Conference on Human Rights relating to the defence of their rights, in particular those concerning female infanticide, the right to education and certain traditional practices, such as genital mutilation. The European Union fully endorsed the measures relating to girls in the Beijing

Platform for Action, particularly those aimed at the elimination of all forms of discrimination and violence against them and the promotion and defence of their rights. The union would support the adoption at the current session of the General Assembly of a comprehensive resolution on the rights of the child that would take into account the resolutions on that subject adopted by the General Assembly at its forty-ninth session and all new initiatives.

9. Situations resulting from armed conflicts had particularly dramatic consequences for children. Children in those situations lacked essential requisites for their survival and, in many cases, were separated from their families; moreover, they were frequently victims of the indiscriminate use of weapons and were used as soldiers and even as mine-detectors. He hoped that the open-ended Working Group charged with preparing a draft optional protocol on the participation of children in armed conflicts would soon be able to submit the draft and would coordinate its work with that of the Committee on the Rights of the Child and other competent bodies.

10. The European Union was particularly concerned about the plight of street children and especially the continuing deliberate killing of and violence against such children. Governments should actively continue to seek solutions to that problem and to promote the participation of those children in society. To that end, the European Union cooperated with a number of Governments as well as with relevant international organizations such as the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organization (ILO) through specific projects.

11. The European Union was extremely concerned about the growing number of incidents worldwide related to the sale of children, child prostitution and child pornography. It therefore appealed to all States to adopt all the necessary measures to eradicate those practices and to prosecute the offenders. It also supported the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and stressed the need to enhance international cooperation in that field. In that context, it welcomed the convening of the First World Conference on the Commercial Sexual Exploitation of Children, to be held in Stockholm in August 1996, supported the efforts in the United Nations system aimed at preventing the traffic in and the exploitation of children and considered contributing to the drafting of an optional protocol to the Convention on the Rights of the Child.

12. The European Union shared the international community's growing concern about the transnational trafficking in children and took note with interest of the Inter-American Convention on International Trafficking in Minors as well as of the discussion of that issue at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, as well as at the Fourth session of the Commission on Crime Prevention and Criminal Justice. In that regard, the Working Group on Contemporary Forms of Slavery was playing a useful role in tackling the issue of the sale of children, child prostitution, child pornography and trafficking in children. The European Union encouraged further strengthening of cooperation between the Committee on the Rights of the Child, the Special Rapporteur of the Commission on Human Rights on the Sale of

Children, the Working Group on Contemporary Forms of Slavery and the Commission on Crime Prevention and Criminal Justice in order to facilitate the implementation and monitoring of existing standards and programmes.

13. With regard to bonded child labour and other forms of child slavery, the member States of the European Union and the other countries on whose behalf he was speaking actively supported the implementation of model country programmes under the Programme of Action for the Elimination of the Exploitation of Child Labour. At the bilateral level, the European Union supported the special ILO programmes for the eradication of child labour.

14. The European Union was also concerned about the problem of child abduction. Recalling that under the Convention on the Rights of the Child, States had an obligation to combat the illicit transfer of children abroad and in general to ensure that children would not be separated from their parents against their will, he noted that the European Union had adopted a European Convention on the Recognition and Enforcement of decisions concerning the custody of children. At the global level, the European Union hoped that the accession of a greater number of States to the Hague Convention of Civil Aspects of International Child Abduction and the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption would allow that problem to be addressed in the best interests of children.

15. As far as the situation of young offenders in detention or otherwise deprived of liberty was concerned, they should be treated humanely and in a manner that was compatible with the needs of their age. Deprivation of liberty should be used only as a measure of last resort and for the shortest period of time and it should fully respect the human rights and fundamental freedoms, including those proclaimed in the Convention on the Rights of the Child and other relevant United Nations instruments. In that regard, due consideration should be given to the recommendations made by the Committee on the Rights of the Child at its November session.

16. Mrs. Alvarez (Dominican Republic), Vice-Chairman, took the Chair.

17. Mrs. RAJAONARIVELO (Madagascar) said that the promotion and protection of human rights were crucial to her country; it was convinced that the family, the basic unit of society and the natural environment for the development and well-being of children, should receive the protection and assistance it needed in order to be able to play fully its role in society. Moreover, the harmonious development of the child's personality prepared the child to live in society cherishing peaceful coexistence with others, dignity, tolerance, freedom and solidarity which contributed to the creation of conditions for stable and lasting social development. That was why Madagascar had endeavoured to implement the Convention on the Rights of the Child through the establishment of new institutions and a new Constitution, which considered the Convention as an integral part of positive Malagasy law. Non-discrimination also constituted a general principle for the protection of children in Madagascar; as for legal protection, providing the care necessary for children's well-being and State supervision of welfare institutions and agencies were concerned, the paramount consideration was the best interests of the child. Similarly, freedom of expression had become a right under Malagasy positive law which must be

reflected in guidelines governing education. Thus, in line with the Convention on the Rights of the Child, which enshrined the right of children to freedom of expression, the constitutional law of Madagascar provided that no restrictions should be placed on any kind of information and that parents should see to the education of their children. Where parents no longer provided for the protection and education of their children, the State reserved the right to intervene. It was then the judiciary alone which had jurisdiction in that matter; however, in such a case, the child had the same rights as the parents to be heard by the children's judge and to be represented, if necessary, by an officially appointed counsel.

18. In the area of health and welfare, progress had been made through the joint efforts of the Government, non-governmental organizations and international bodies such as the International Labour Office under programmes for the handicapped, and UNICEF with respect to efforts to address vitamin A deficiency and problems caused by iodine deficiency. Thanks to UNICEF assistance, measures taken to ensure the survival of children had resulted in a decline in infant and child mortality. Convinced of the need to adopt efficient measures at the international level to prevent the sale of children and child prostitution and to eliminate such practices, Madagascar intended to improve the laws currently governing legal adoption among Malagasy nationals by promulgating an act that provided for the conclusion of bilateral agreements to protect children who were involved in inter-country adoption, in the light of the precautions provided for under article 21, paragraphs (b), (c), (d) and (e), of the Convention on the Rights of the Child.

19. She welcomed the fact that many countries had ratified the Convention and that UNICEF and the Committee on the Rights of the Child had endeavoured to reflect the Convention in school curricula so that children would be informed of their rights. Finally, she hoped that decisions concerning the promotion and protection of the rights of the child taken at recent international conferences would contribute to the implementation of the Convention as well as of the World Programme of Action for Youth to the Year 2000 and Beyond.

20. Mr. PROCHÁCKA (Slovakia), speaking on agenda item 110, said that, according to article 11 of the Constitution of the Slovak Republic, international instruments on human rights that it had ratified took precedence over national law, provided that they guaranteed greater constitutional rights and freedoms. The Constitution provided for the protected status of children and juveniles in the field of economic, social and cultural rights, as well as for their special protection on the basis of two fundamental principles, namely that there should be no form of discrimination against them and that human life should be protected from before birth.

21. According to the Convention on the Rights of the Child, "a child means every human being below the age of 18 years unless under law applicable to the child, majority is attained earlier". Under Slovak legislation, a child attained majority either at the age of 18 or by entering into marriage before that age. On attaining majority, a person became qualified to take legal steps. Until then, he was accorded special legal protection by virtue of his status as a minor. Where the parents were deceased or deprived of their parental rights

or unauthorized to take full legal steps, a guardian was appointed by the courts.

22. A Slovak citizen was entitled to enter into employment on the date of his fifteenth birthday, provided that he had completed his compulsory education. In exceptional cases, he could enter into employment even earlier, although not before his fourteenth birthday. Juveniles could not be employed in jobs that were inappropriate, dangerous or harmful to their physical or mental health.

23. A juvenile could not be held liable or imprisoned for a criminal offence unless he was 15 years of age at the time of committing the offence. Sentences of imprisonment were halved for juvenile offenders, who could be sentenced to a term of imprisonment exceeding five years only in exceptional cases.

24. As to family environment, the State could interfere in the relationship of the parents with the child only in exceptional cases on the basis of a court ruling, for example to separate children from one or both parents and place them in a foster home.

25. As to social security, the right to health protection was enshrined in the Constitution; on the basis of health insurance, the population was entitled to free health care. Paediatric care took account of the special needs of children, particularly those who were disabled (separate rooms, educational and employment aids and help from specialists in different branches of medicine).

26. Although the provisions of the Constitution of the Slovak Republic were consistent with the Convention on the Rights of the Child, there were still many legislative problems to resolve. The pending issues concerned interpretation of the provision concerning the right of the child to the free expression of opinion on all issues that involved him and the provision concerning the child's consent to health care. It would be necessary to amend and complement Slovak legislation concerning reasons for divorce and the protection of minor children of divorced parents. More generally, it would also be necessary to strengthen the protection of minors, particularly in regard to their property rights, as well as to address the question of maintenance to be granted to minor children. A new family code should be drafted, while the placement of children in the care of foster parents or other institutions should be simplified. The question of international adoptions should also be resolved by way of legislation.

27. In June 1995, a working group had been formed to prepare the legislative measures to be taken with a view to Slovakia's accession to two conventions on the protection of the rights of the child, namely the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and the Convention on the Civil Aspects of International Child Abduction.

28. The Slovak National Committee for the United Nations Children's Fund (UNICEF) played a crucial role in analysing problems connected with the situation of children and adolescents in Slovakia, particularly in regard to the provisions of the Convention on the Rights of the Child. It had also helped to prepare the first report on implementation of the Convention in Slovakia.

29. Mr. AGGREY (Ghana), speaking on agenda item 110, welcomed the fact that the Convention on the Rights of the Child had achieved almost universal ratification. Because it already had in place the structures needed to implement programmes aimed at the promotion of child survival and development, Ghana had been the first country to ratify the Convention. In 1979, in preparation for the International Year of the Child, it had created a national commission on children which, following the ratification of the Convention and convening of the World Summit for Children, had become the coordinating body responsible for publicizing the Convention and creating the necessary conditions for its implementation. More recently, a special task force had been established to draw up a national programme of action for child survival and development in line with the Summit goals. With technical and financial support from UNICEF, the aforementioned commission served as the secretariat of the task force and also monitored the implementation at national level of the Convention and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted at the Summit. UNICEF played a central role in implementing the strategies adopted for the survival, protection and development of Ghanaian children through service delivery, capacity-building, empowerment and advocacy by integrating the provisions of the Convention and the strategic goals of the Summit into national legislation, national execution and local practice. Ghana was therefore achieving some of the measurable goals in the areas of health, education, nutrition, family planning, water and sanitation.

30. In regard to protection of the rights of the child, the Ghanaian Constitution stipulated that parents should undertake their obligations for the care, maintenance and upbringing of their children, in cooperation with institutions such as the Parliament, in such a manner that the interest of the children was paramount. It also protected children against exploitation, abuse, discrimination and negligence.

31. His Government therefore deplored the situation of children affected by armed conflict and strongly supported the initiative of the Committee on the Rights of the Child to elaborate a draft optional protocol on the involvement of children in such conflicts. It also expressed its utter revulsion at the growing menace posed by the sale of children, child prostitution and child pornography, as well as the adoption of children for commercial purposes. Although the Convention on the Rights of the Child contained provisions that addressed such problems, they were given low priority. His delegation therefore urged the Special Rapporteur to continue her efforts in that connection, and called for the elaboration of guidelines for a possible draft optional protocol to the Convention on the sale of children, child prostitution and child pornography, as well as the establishment of basic measures aimed at preventing and eradicating such practices.

32. Mr. SABOIA (Brazil) said that the reports submitted to the Committee under agenda item 110 illustrated the magnitude of the obstacles to the full realization of the rights set forth in the Convention on the Rights of the Child (street children, pornography, prostitution, child labour, and children who were victims of armed conflicts, violence or domestic abuse, all problems that needed to be addressed at once by Governments and the international community). In view of the fact that the Convention on the Rights of the Child and the World

Declaration on the Survival, Protection and Development of Children were approaching universal acceptance, it was of the utmost importance that their provisions should be fully and promptly implemented. It was also essential that States should withdraw any reservations to the Convention which they might have formulated. Particular attention should be given to section II of the Vienna Declaration and Programme of Action, especially the recommendation that matters relating to human rights and the situation of children should be regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system and by the supervisory bodies of the specialized agencies. In the area of the promotion and protection of the rights of the child, international cooperation played a crucial role in complementing national action to create conditions favourable to the improvement of the welfare of children. In that connection, his delegation commended the United Nations Children's Fund (UNICEF) for its activities on behalf of children living in exceptionally difficult conditions and hoped that United Nations agencies and non-governmental and intergovernmental organizations would increase their efforts to ensure greater awareness of, and effective action to solve, the problems that affected children. He attached particular importance to the international programme of action of the International Labour Organization (ILO) for the eradication of child labour, carried out in cooperation with several Governments, including that of Brazil, and with local non-governmental organizations, trade unions and State and municipal councils. He paid tribute to the work of the Committee on the Rights of the Child and requested that it should be granted the necessary means to review developments pertaining to the rights of the child and to consider the reports of States parties. His Government welcomed the decision to convene a meeting of States parties in order to consider strengthening the current membership of the Committee.

33. The protection of children in armed conflicts deserved careful consideration. The intolerable suffering of children who were the victims of internal conflicts or ethnic strife, as in Bosnia and Herzegovina and in Rwanda, violated basic humanitarian norms and called for decisive action on the part of the international community. It was to be hoped that the final report on the question, which would be submitted to the General Assembly at its next session, would include recommendations on ways to improve the protection of children against the indiscriminate use of all weapons of war, in particular anti-personnel mines.

34. With regard to the provisional report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography (A/50/456), the Brazilian Government, which had maintained a meaningful dialogue with the Special Rapporteur since 1991, reiterated its support for that important mechanism of the Commission on Human Rights and its expectation that other countries would cooperate fully with the Special Rapporteur. Aware that poverty was one of the multiple and complex root causes of child exploitation, Brazil, which was not unfamiliar with some of the obstacles to the realization of the rights of the child, did not intend to remain silent or passive in the face of the terrible injustice done to millions of children who were at risk of exploitation for economic or social reasons. His Government, in close cooperation with non-governmental organizations and other forces of society, had adopted innovative measures, that were being pursued in a decentralized structure to ensure the social protection of children

in that situation. The Statute of the Child and Adolescent had incorporated the provisions of the Convention into domestic law, endorsing the concept of child protection based on recognized rights, and it was considered by UNICEF to be a model of its kind. Aware of its enormous responsibility towards the millions of children among its population, and of the difficulties which affected the most vulnerable sectors of society, his Government had developed the "Comunidade Solidária" programme to improve the situation of the most vulnerable groups in municipalities where poverty indicators were the highest and infant mortality rates were above the national average. It had also given the National Council for Defence of the Child and Adolescent the responsibility for defining national policies and guidelines for the ministries in charge of child welfare and the local councils responsible for translating the provisions of the Statute of the Child and Adolescent into practice at the state and municipal levels. In order to combat the problem of child labour and prostitution, the Federal Government had also launched a campaign against the exploitation of children and adolescents at a meeting with high officials in charge of social affairs, members of the judiciary and the National Congress, and representatives of non-governmental organizations. A group for the elimination of forced labour, which was responsible for monitoring the occurrence of that problem, especially in the Brazilian hinterland, had become operational in September 1995. Other measures, such as the strengthening of basic education, were also under way. Unfortunately, some of the new forms of child exploitation, such as sex tourism, had transnational implications and must therefore be tackled by the international community; Brazil was ready to take part in that joint effort. It was high time that the Governments which had thus far been more concerned with their own image than with the well-being of their children stopped trying to conceal such practices and faced their problems with courage and determination, in cooperation with the United Nations and the international community. His Government felt that it was impossible to overestimate the contribution which grass-roots organizations had made, by changing attitudes, to its efforts to allow Brazilian children to share the fruits of development and democracy.

35. Mr. WOLFZELD (Luxembourg), speaking on agenda item 110, said that his delegation fully supported the statement made on the matter on behalf of the European Union. While the adoption of the Convention on the Rights of the Child in 1989 and its rapid ratification by a very large number of States (180 to date), constituted great progress, it was nevertheless true that the rights of children continued to be violated; consequently the States parties to the Convention should not be content with enacting the necessary domestic legislation but should also ensure that it was effectively enforced.

36. His delegation felt that the problem of the exploitation of child labour, which was related to other forms of child exploitation under consideration by the General Assembly, must be discussed with the same rigour as other questions relating to the promotion and protection of the rights of the child. Since the problem was due primarily to the extreme poverty from which certain countries suffered, there was no doubt that the fight against the exploitation of child labour must be a part of the more general battle against poverty and underdevelopment. However, all the national and international studies tended to prove that the economic situation of a country could not be improved by child labour. On the contrary, such children, who were condemned to unhealthy and dangerous working conditions which were harmful to their health and their

development, had little opportunity to receive the necessary education; as a result, there was a growing mass of illiterate and unqualified young adults. Moreover, the use of child labour only slowed the introduction of modern production methods, a trend which was further accentuated by the lack of a qualified workforce.

37. There was no doubt that it was the national Governments which had the primary responsibility for protecting the material and moral well-being of children, and many of them had made efforts and launched programmes designed to limit and, eventually, eliminate child labour. The international community also had a role to play in that field not only by codifying a set of internationally acceptable minimal standards but by supporting and reinforcing the efforts of national Governments; it must help those Governments to define programmes to translate the commitments they had made into action. Since there was no time to wait for development to bring about the progressive elimination of the economic and social causes of the exploitation of child labour, Governments and the international community must define measures and develop long-term and short-term programmes to meet the immediate needs of such children, and those activities must be implemented within the broader framework of strategies for economic and social development. In that regard, his delegation welcomed the programme of action for the eradication of child labour launched by ILO in 1992, and urged Governments to implement at the national level the Programme of Action for the Elimination of the Exploitation of Child Labour, adopted in 1993 by the Commission on Human Rights and the Economic and Social Council, and to follow up on the commitments which they had made at the World Summit for Social Development and the Fourth World Conference on Women. It also wished to thank the Committee on the Rights of the Child for its activities in that field and to encourage it to monitor closely the implementation of the Convention.

38. In order to gain a better understanding of the issue of exploitative child labour, ensure closer coordination of the activities of United Nations agencies and other international organizations active in the field and, ultimately, define an overall strategy, the Secretary-General should draw up, in close cooperation with the United Nations Children's Fund (UNICEF), the United Nations Education, Scientific and Cultural Organization (UNESCO), the International Labour Organization (ILO) and other actors concerned, a report reviewing existing programmes and setting out recommendations for future action.

39. Mr. Tshering (Bhutan) took the Chair.

40. Mrs. SYAHRUDDIN (Indonesia), speaking on agenda item 110, said that her country was deeply concerned at the plight of children throughout the world, particularly those affected by armed conflicts. Children were vulnerable members of society in normal circumstances and should receive greater protection in times of civil strife and armed confrontation.

41. In that connection, her delegation was pleased to read, in the report of the Secretary-General on the study on the impact on children of armed conflict, that an inter-agency task force was meeting periodically in Geneva to coordinate an exchange of ideas and experiences among the relevant United Nations agencies and bodies. It also viewed as positive the holding of consultations at the regional level in cooperation with UNICEF, the Centre for Human Rights and the

Office of the United Nations High Commissioner for Refugees (UNHCR) and looked forward to the final version of the study, to be submitted to the General Assembly at its fifty-first session, and to the further interim report to be considered by the Commission on Human Rights at its forthcoming fifty-second session.

42. Her delegation recalled that the Commission on Human Rights had requested the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts to meet for a period of two weeks prior to the Commission's next session and had invited the Committee on the Rights of the Child to comment on the draft optional protocol, as well as on the draft optional protocol on the sale of children, child prostitution and child pornography.

43. Her delegation welcomed the provisional report of the Special Rapporteur of the Commission of Human Rights on the difficult problem of the sale of children, child prostitution and child pornography (A/50/456). The efforts made to set parameters for the Special Rapporteur's mandate and to identify the causes of the types of abuse studied would facilitate the Special Rapporteur's work. With regard to the selected catalysts mentioned in the report, she agreed that the education system and the media could have a significant impact on strengthening the family and increasing awareness of the problem.

44. Her delegation endorsed the report's conclusion that the problems covered by the Special Rapporteur's mandate were multidimensional. While welcoming the strategies and measures recommended at the national and local levels, it was aware that the search for solutions would be a long one. It looked forward to further reports on that difficult issue from the Special Rapporteur, whose mandate had been extended by a decision of the Commission on Human Rights approved by the Economic and Social Council in its resolution 1995/36. Indonesia was determined to implement the provisions of the Convention on the Rights of the Child for the benefit of all children. It also believed that, no matter how useful the efforts being made by United Nations bodies, lasting solutions would be found at the national level.

45. Mr. BOREL (Observer for the International Committee of the Red Cross (ICRC)), speaking on agenda item 110, recalled that the rules of international humanitarian law, which were supposed to provide special and extensive legal protection to children in armed conflicts, were often ignored. Children were exposed to a variety of tragic situations, including separation from their families (unaccompanied children), detention (as prisoners of war, civilian internees or detainees) and participation in hostilities.

46. With respect to unaccompanied children, ICRC had registered 80,000 unaccompanied children in Rwanda and in the refugee camps in Zaire and Tanzania and had thus far enabled 4,000 of them to rejoin their families. In so doing, it had benefited from the invaluable support of other organizations such as UNHCR, UNICEF, the International Organization for Migration (IOM) and a number of non-governmental organizations. However, given the enormous needs in the field, it was important to increase cooperation among those organizations.

47. ICRC representatives endeavoured to safeguard the rights of children deprived of their freedom, including children presumed to have committed unlawful acts and young children incarcerated with their mothers or even born in prison. In such cases, the best interests of the children must prevail over all other considerations. For example, it was extremely prejudicial to a child's development to separate him from his mother. That was another area in which the humanitarian organizations must coordinate their activities and agree on priorities and on how best to assist detained children.

48. More and more children were taking a direct part in hostilities, without even knowing what was at stake, and were committing acts the gravity of which was beyond their grasp and experiencing all kinds of suffering and hardship, not to mention often being captured, wounded or killed. ICRC therefore strongly recommended that an optional protocol prohibiting both the recruitment of children under 18 years of age into the armed forces or armed groups and their participation in hostilities should be added to the Convention on the Rights of the Child. It hoped that States which were still reluctant to take that step would grasp the fact that a generation of adults marked for life by an experience as child combatants could hinder the development of their society.

49. The International Red Cross and Red Crescent Movement had just drawn up a plan of action for child victims of armed conflict, for consideration at its twenty-sixth conference to be held in December. It hoped that the proposals in the plan of action would be of help in determining what preventive measures should be adopted and that they would be taken into consideration in the study on the impact on children of armed conflict, to which ICRC was contributing.

50. Mr. PEDERSEN (Observer for the International Federation of Red Cross and Red Crescent Societies), referring to agenda item 110, said that the Federation looked forward to the study on the impact on children of armed conflict, which would seek to give new coherence and fresh impetus to the efforts of the international community to protect children and children's rights from the effects of armed conflicts.

51. Children suffered lasting trauma when their parents were killed before their very eyes, their homes were destroyed and their lives ruined. They were used as leverage to control territory or to collect spoils. From an increasingly young age, they were forcibly recruited, initiated to violence and encouraged to take part in it. They became armed slaves whose reintegration into civilian life was extremely difficult.

52. In order to meet the basic needs of such children, countermeasures must be taken at three levels. First, their physical and economic security must be ensured, often through relief assistance. Second, schooling and kindergarten could provide a reassuring structure and routine which were especially critical during the chaos that accompanied armed conflict. Third, children who had participated in armed conflict were not always accepted back by their local communities and were sometimes rejected even by their own families, who feared reprisals from the community when it was aware of atrocities the children had been forced to commit. Moreover, when a conflict was over, many children were not formally recognized as former combatants and therefore were not included in demobilization programmes. They risked ending up on the streets; they were

sometimes still in possession of their weapons and still a threat to society. Even after conflicts were over, such children needed to be helped.

53. The question of the protection of children in armed conflict was high on the agenda of the conference of the International Red Cross and Red Crescent Movement, to be held in early December 1995. The Movement was expected to adopt a detailed plan of action for children in armed conflicts based on two clear commitments: to promote the principle of non-recruitment and non-participation in armed conflict of children under the age of 18 and to take concrete action to protect and assist child victims of armed conflict.

AGENDA ITEM 109: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/C.3/50/L.17, L.18 and L.19)

Draft resolution A/C.3/50/L.17 entitled "Assistance to refugees, returnees and displaced persons in Africa"

54. The CHAIRMAN said that the draft resolution had no programme budget implications.

55. Mrs. NEWELL (Secretary of the Committee) read out amendments to the draft resolution. In the third line of paragraph 25, the words "the International Committee of the Red Cross" should be added after the words "humanitarian organizations"; in the seventh line of the same paragraph, the comma should be deleted, the phrase reading "and to engage specifically in the building of capacity to mobilize effective regionalized burden-sharing by the High Commissioner, the Department of Humanitarian Affairs, United Nations humanitarian organizations" should be deleted, and the word "with" should be inserted before "States and others".

56. In paragraph 26 of the draft resolution, the phrase "within the context of effective regional burden-sharing with the Department of Humanitarian Affairs, other appropriate United Nations humanitarian organizations" should be replaced by "in close collaboration with".

57. Draft resolution A/C.3/50/L.17, as amended, was adopted.

Draft resolution A/C.3/50/L.18 entitled "Assistance to unaccompanied refugee minors"

58. The CHAIRMAN said that the draft resolution had no programme budget implications and that Guinea-Bissau, the Islamic Republic of Iran, the Philippines, the Syrian Arab Republic and Turkey had become sponsors.

59. Draft resolution A/C.3/50/L.18 was adopted.

Draft resolution A/C.3/50/L.19 entitled "Comprehensive consideration and review of the problems of refugees, returnees, displaced persons and related migratory movements"

60. The CHAIRMAN said that the draft resolution had no programme budget implications and that Afghanistan, Austria, Finland, Ireland, Italy, the Marshall Islands, Panama, Portugal, Sweden and the United Kingdom had become sponsors.

61. Mrs. NEWELL (Secretary of the Committee) said that in the first preambular paragraph, the word "Recalling" should be replaced by "Noting" and that, in the second preambular paragraph, the word "also" should be deleted. In operative paragraph 3, the word "returnees" should be deleted and the words "and returnees" should be inserted after the word "displacement".

62. Mr. BOUCHMARINOV (Russian Federation) said that the Netherlands, Tajikistan and Turkmenistan had also become sponsors of the draft resolution.

63. Draft resolution A/C.3/50/L.19, as amended, was adopted.

64. Mr. PASHAYEV (Azerbaijan) said that the Azerbaijani Republic strongly supported the convening in 1996 of a regional conference on the problems of refugees, displaced persons, returnees and related migratory movements, since it believed that such a conference would promote the efficiency of the humanitarian and other forms of assistance which UNHCR and other international organizations provided directly to newly independent States in the area of the former USSR.

65. The refugee problem was a matter of concern to the Azerbaijani Republic because, as a result of Armenian aggression, there were now 1 million refugees and displaced persons (of the 15 million in the independent States of the former USSR), 20 per cent of Azerbaijan's territory was occupied, and its economy, environment, communications, infrastructure and shelters had been destroyed. The problem of refugees and displaced persons, along with the difficulties associated with the transition to a market economy, unemployment and inflation, had had a serious impact on the living standards of the Azerbaijani population, which numbered 7.5 million.

66. Azerbaijan was not a sponsor of the draft resolution because it could not support the wording of the fifth preambular paragraph. It believed that the phrase "existing and potential refugee and related migratory movements" should be changed to "existing and potential refugee, returnee, displaced person and potential migratory movements" and that, in the same paragraph, the words "Commonwealth of Independent States" should be replaced by "independent States in the area of the former USSR" because the participation of the independent States in the Commonwealth was an internal matter for those States. The practice followed by the United Nations when convening conferences, especially in the humanitarian sphere, was to be guided by geographical considerations; however, the Commonwealth of Independent States was not a geographical entity.

The meeting rose at 12.30 p.m.